



भारत का याजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं 32]

नई दिल्ली, मंगलवार, चुलाई 26, 2005 / श्रावण 4, 1927
No. 32] NEW DELHI, TUESDAY, JULY 26, 2005 / SRAVANA 4, 1927

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on 26th July, 2005:—

2

BILL No. LXXV OF 2005

A Bill further to amend the Citizenship Act, 1955.

Be it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Citizenship (Amendment) Act, 2005.

Short title and commencement.

(2) It shall be deemed to have come into force on the 28th day of June, 2005.

2. In section 2 of the Citizenship Act, 1955 (hereinafter referred to as the principal Act), in sub-section (1),—

Amendment of section 2.

(i) for clause (ee), the following clause shall be substituted, namely:—

‘(ee) “overseas citizen of India” means a person registered as an overseas citizen of India by the Central Government under section 7A;’;

(ii) clause (gg) shall be omitted.

Amendment of
section 5.

3. In section 5 of the principal Act, in sub-section (1), in clause (g), for the words “two years”, the words “one year” shall be substituted.

Substitution
of new section
for section
7A.

4. For section 7A of the principal Act, the following section shall be substituted, namely:—

Registration
of overseas
citizens of
India.

“7A. The Central Government may, subject to such conditions and restrictions as may be prescribed, on an application made in this behalf, register as an overseas citizen of India—

(a) any person of full age and capacity,—

(i) who is citizen of another country, but was a citizen of India at the time of, or at any time after, the commencement of the Constitution; or

(ii) who is citizen of another country, but was eligible to become a citizen of India at the time of the commencement of the Constitution; or

(iii) who is citizen of another country, but belonged to a territory that became part of India after the 15th day of August, 1947; or

(iv) who is a child or a grand-child of such a citizen; or

(b) a person, who is a minor child of a person mentioned in clause (a):

Provided that no person, who is or had been a citizen of Pakistan, Bangladesh or such other country as the Central Government may, by notification in the Official Gazette, specify, shall be eligible for registration as an overseas citizen of India.”.

Omission
of Fourth
Schedule.
Repeal and
saving.

5. The Fourth Schedule to the principal Act shall be omitted.

6. (1) The Citizenship (Amendment) Ordinance, 2005 is hereby repealed.

Ord. 2 of 2005.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Citizenship Act, 1955 provides for the acquisition of citizenship, at the commencement of the Constitution by birth, descent, registration, naturalization and incorporation of territory under certain circumstances, and also provides for the termination and deprivation of citizenship. High Powered Committee on Indian Diaspora, constituted by the Central Government, *inter alia*, recommended the amendment of the said Act to provide for grant of dual citizenship to persons of Indian origin belonging to certain specified countries. The Central Government has, accordingly, notified the Citizenship (Amendment) Act, 2003 (6 of 2004) making provision for acquisition of Overseas Citizenship of India (OCI) by the Persons of Indian Origin (PIOs) of 16 specified countries other than Pakistan and Bangladesh. The Prime Minister in the Pravasi Bhartiya Divas, 2005 made a statement on OCI scheme that the Government has decided to grant OCI to all overseas Indians who migrated from India after 26th January, 1950 as long as their home countries allow dual citizenship under their local laws. In order to implement the Government's decision, an Ordinance called the Citizenship (Amendment) Ordinance, 2005 was promulgated on 28th June, 2005 to extend the scope of OCI for PIOs of all countries except Pakistan and Bangladesh as long as their countries allow dual citizenship. The said Ordinance is proposed to be replaced by a Bill by amending the provisions of the Citizenship Act, 1955 so as to —

(i) expand the scope of grant of Overseas Citizenship of India to Persons of Indian Origin of all countries except Pakistan and Bangladesh; and

(ii) reduce the period of residence in India from two years to one year for the persons registered as Overseas Citizens of India to acquire Indian citizenship.

2. The Bill seeks to replace the aforesaid Ordinance.

SHIVRAJ V. PATIL.

YOGENDRA NARAIN,
Secretary-General.